

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KENNETH BOWMAN,

Plaintiff,

vs.

HARRIS-STOWE STATE UNIV.,

Defendant.

Case No. 4:19 CV 1910 RWS

**MEMORANDUM AND ORDER**

This case is currently set for a Rule 16 scheduling conference on Friday, October 11, 2019. My Order setting that conference, as well as Fed. R. Civ. P. 26(f), requires the parties to meet and discuss, among other things, the deadlines applicable to the case. The parties are required to use good faith efforts to agree on the proposed scheduling plan, Fed. R. Civ. P. 26(f)(2), and were instructed to file only one joint proposed plan. [Doc. # 7 at 3] (“Only one proposed plan may be submitted in any case, and it must be signed by counsel for all parties.”) Despite these requirements, the parties submitted separate proposed scheduling plans. Defendant states that during a telephone call “plaintiff indicated he would consider the dates proposed by defense counsel and indicate whether he had any concerns. Defense counsel waited for this information but never received it.” [Doc. #8]. Accordingly, defendant filed its version of a scheduling plan. Plaintiff submits, out of time, his own proposed scheduling plan and claims that he needs “judicial

guidance regarding the timing of the time deadlines in any scheduling order entered in this case.” [Doc. # 9 at 2].

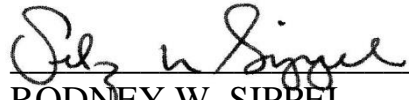
It is evident that the parties have failed to comply with either the letter or the spirit of my Order Setting Rule 16 Conference and the Federal Rules of Civil Procedure, which requires that the parties actually talk to each other about issues germane to the resolution of the case, which include the timing and scheduling of discovery and potential trial dates, and attempt in good faith to reach agreement on these issues before submitting a proposed scheduling plan to the Court. For these reasons, the Court will reschedule the Rule 16 conference to afford the parties an opportunity to comply with my Order and the Federal Rules of Civil Procedure.

Accordingly,

**IT IS HEREBY ORDERED** that the **Rule 16 conference in this matter is continued October 25, 2019 at 11:00 a.m. in the chambers of the undersigned.**

The parties shall submit one revised joint proposed scheduling plan in conformity with this Court’s prior Order Setting Rule 16 Conference [Doc. # 7] by no later than **noon on October 18, 2019.**

**IT IS FURTHER ORDERED** that plaintiff's motion for extension of time  
[9] is denied as moot.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 8th day of October, 2019.